IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17027 of 1993

Between:

B. Satyanarayana S/o Pydithalli, r/o Ramapuram,

Sabbavaram, Visakhapatnam District.

..... PETITIONER

AND

1. The Sabbavaram Gram Panchayat,

   represented by its Sarpanch, Sabbavaram,

   Visakhapatnam District.

2. The Visakhapatnam Urban Development Authority,

represented by its Vice Chairman, Visakhapatnam.

3. Gompa Demudu s/o China Pydanna,

r/o Gollivanipalli, h/o Sabbavaram, Visakhapatnam District,

4. Gompa Satyanarayana s/o China Pydanna, Advocate,

Anakapalli, Visakhapatnam District.

Petition as against R1 and R3 was dismissed for default as per Court order dated 26.03.2004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more especially one in the nature of writ of Mandamus directing the respondents 1 and 2 herein to prevent the respondents 3 and 4 herein from making any construction in the lands in S.No.280 of Sabbavaram village, Visakhapatnam District conveyed to the petitioner by registered sale deed dated 21.12.1991.

Counsel for the Petitioner: Mr. P. SRI RAGHU RAM
Counsel for the Respondent No.2: Smt. SUMALINI REDDY

Counsel for the Respondent No.4: M. G.RAMA GOPAL

The Court Made the Following:

ORDER

Heard both sides.

The main grievance of the petitioner is that the respondents 3 and 4 are trying to make constructions in the land in S.No.280 of Sabbavaram Village Visakhapatnam District, which the petitioner has purchased as per sale deed dt.21.12.91 Though according to the petitioner, he has filed representation to the respondents 1 and 2 no action has been taken. Hence, the writ petition.

After hearing the counsel and on perusal of the material, ex facie it is evident, especially in view of specific allegation of encroachment of the land and construction of building made against R3 and R4, who are private individuals this Court cannot invoke the jurisdiction under Article 226 of the Constitution.

In the circumstances, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed. It shall open for the petitioner to file a suit in a competent civil Court and seek appropriate direction.

To enable the petitioner, to approach the competent civil Court, the interim orders passed by this court earlier remain in force for a period of three months.

2nd JULY 2004

-

BJ/Glv

To

1. The Sarpanch. Sabbavaram Gram Panchayat,

   Sabbavaram,

   Visakhapatnam District.

2. The Vice Chairman,
Visakhapatnam Urban Development Authority,

Visakhapatnam.

3. Two C.D.copies.